

## **DECISION MEMORANDUM**

**TO: COMMISSIONER KJELLANDER  
COMMISSIONER RAPER  
COMMISSIONER ANDERSON  
COMMISSION SECRETARY  
LEGAL  
WORKING FILE**

**FROM: CAROLEE HALL**

**DATE: JULY 19, 2016**

**RE: APPLICATION OF QWEST CORPORATION DBA CENTURYLINK QC  
AND CENTURYLINK COMMUNICATIONS, LLC. (FKA QWEST  
COMMUNICATIONS CORPORATION) FOR APPROVAL TO AMEND THE  
INTERCONNECTION AGREEMENT BETWEEN THE COMPANIES.  
CASE NO. QWE-T-04-23.**

### **BACKGROUND**

Under the provision of the federal Telecommunications Act of 1996, interconnection agreements must be submitted to the Commission for approval. 47 U.S.C. § 252(e)(1). The Commission may reject an agreement adopted by negotiations only if it finds that the agreement: (1) discriminates against a telecommunications carrier not a party to the agreement; or (2) implementation of the agreement is not consistent with the public interest, convenience and necessity. 47 U.S.C. § 252(e)(2)(A). As the Commission noted in Order No. 28427, companies voluntarily entering into interconnection agreements “may negotiate terms, prices and conditions that do not comply with either the FCC rules or with the provision of Section 251 (b) or (c).” Order No. 28427 at 11 (emphasis in original). This comports with the FCC’s statement that “a state commission shall have authority to approve an interconnection agreement adopted by negotiation even if the terms of the agreement do not comply with the requirements of [Part 51].” 47 C.F.R. § 51.3.

### **CURRENT APPLICATION**

Qwest Corporation dba CenturyLink QC and CenturyLink Communications, LLC filed an application for approval of the amendment to the Interconnection Agreement, which was approved by

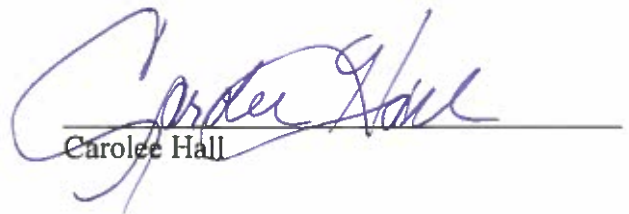
the Idaho Public Utilities Commission on October 6, 2004 in Case No. QWE-T-04-23. The application states that this amendment was reached through voluntary negotiations between the parties. This amendment adds terms, conditions and rates for Power Reduction as set forth in Attachment 1 and Exhibit A, to this application.

#### **STAFF ANALYSIS AND RECOMMENDATION**

Staff has reviewed the Application for the Amendment and does not find any terms or conditions that it considers to be discriminatory or contrary to the public interest. Staff believes the Amendment is consistent with the pro-competitive policies of this Commission, the Idaho Legislature, and the federal Telecommunications Act of 1996. Accordingly, Staff believes that the Amendment merits the Commission's approval.

#### **COMMISSION DECISION**

Does the Commission agree?



Carollee Hall

i:\udmemos\QWE-T-04-23 CenturyLink QC and CenturyLink Communications, LLC Power Reduction